

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:24-cv-00063-M

ARTHUR O. ARMSTRONG,

Plaintiff,

v.

QUENTIN T. SUMNER,

Defendant.

ORDER

This matter comes before the court on a Memorandum and Recommendation (“M&R”) issued by United States Magistrate Judge Robert T. Numbers, II pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), recommending that the court enforce a permanent injunction and dismiss the Plaintiff’s complaint. DE 2. Specifically, Judge Numbers recommends dismissal where Plaintiff’s complaint violates a Superseding Prefiling Injunction entered against plaintiff by the Honorable James C. Fox on March 29, 2013 (5:12-cv-00805, DE 26), which requires Plaintiff to specifically identify the law(s) he asserts were violated and allege all facts with specificity in any complaint he files, and requires the dismissal of frivolous or repetitious complaints. To date, no objections to the M&R have been filed.¹

A magistrate judge’s recommendation carries no presumptive weight. The court “may

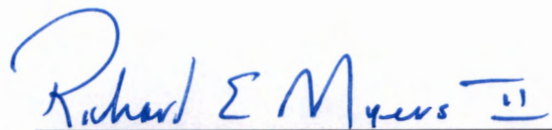
¹ Judge Numbers issued the M&R on May 23, 2024, and ordered that the parties file any objections within fourteen days of the date of service, which would be no later than June 10, 2024. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2); Local Civil Rule 72.4(b). The M&R was submitted to this court for disposition on June 12, 2024.

accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein,

1. The court finds Plaintiff has violated the permanent injunction and dismisses the Complaint as frivolous.
2. The court imposes on Plaintiff a sanction in the amount \$1,215 (three times the filing fee). *See* Superseding Permanent Inj. ¶ 2(e), *Armstrong v. Woodard, et al.*, No. 5:12-CV-805 (E.D.N.C. Mar. 29, 2013).²
3. The court finds that an appeal from this dismissal order would be without merit. *See id.* ¶ 2(f).

SO ORDERED this 24th day of June, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE

² The court finds this sanction appropriate in light of the number of times Plaintiff has attempted to sue this same Defendant in cases found to be frivolous. *See, e.g., Armstrong v. Sumner, et al.*, 5:20-cv-331-D; *Armstrong v. Sumner*, 5:23-cv-158-BO; *Armstrong v. Cooper, et al.*, 5:23-cv-719-FL; *Armstrong v. North Carolina, et al.*, 5:09-cv-58-BR.